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COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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April 30, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

19 April 30, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**SETTLEMENT OF CONDEMNATION CASE
PEOPLE OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH
THE DEPARTMENT OF TRANSPORTATION v. COUNTY OF LOS ANGELES, ET AL.
LOS ANGELES SUPERIOR COURT CASE NUMBER NC 057 520**

SUBJECT

Recommendation to settle an eminent domain action by the State of California, Department of Transportation ("Caltrans") against the County of Los Angeles ("County") to acquire real property interests from the County, used as a surface parking lot by the County of Los Angeles, Department of Public and Social Services ("DPSS") in the City of Norwalk to construct improvements in connection with the Interstate 5 Corridor Improvement Project ("Project").

IT IS RECOMMENDED THAT THE BOARD:

Authorize the Office of the County Counsel to settle an eminent domain lawsuit by accepting total compensation in the amount of \$105,800, and to stipulate to the judgment in condemnation and final order of condemnation, as described herein.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

A proposed settlement of this condemnation action has been reached with representatives of Caltrans and the Los Angeles County Chief Executive Office, Real Estate Division ("CEO"). Your Board's authorization is required to accept the agreed compensation from Caltrans and for County Counsel to stipulate to the judgment in condemnation and final order of condemnation.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1). The revenues received from this settlement will help promote fiscal responsibility for the operation and maintenance of County facilities and avoid litigation costs that would be incurred should the case proceed to trial.

Strategic Asset Management Principles Compliance

N.A.

FISCAL IMPACT/FINANCING

Caltrans will pay to the County the sum of \$105,800 for the acquisition of the property, inclusive of all costs, litigation expenses, and attorneys' fees. This amount will be paid and deposited into the Non-Departmental Revenue Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Article I, section 19, of the California Constitution and the Eminent Domain Law (California Code of Civil Procedure, Part 3, Title 7, commencing with section 1230.510) require that the owner of property condemned by a public agency be compensated for the fair market value of the property interests taken.

This requirement of just compensation applies to the condemnation of property owned by a private entity as well as property owned by a public entity like the County.

Caltrans filed this eminent domain action to acquire, in fee, a 626 square foot strip of land ("Fee"), and a temporary construction easement ("Easement") over a 3,139 square foot strip of land, both along the easterly boundary of a larger parcel of land used as a surface parking lot by DPSS, located at 12727 Norwalk Boulevard in the City of Norwalk, to construct improvements in connection with the Project. The Fee and the Easement are legally described in the attached Exhibit "A" and depicted on Exhibit "B."

Caltrans' use of the Easement will terminate on December 1, 2016.

Caltrans has offered to pay the County the total amount of \$105,800, inclusive of all costs, expenses and attorneys fees. This amount is comprised of \$28,170, as just compensation for the Fee; \$67,089, as just compensation for the Easement; and \$10,541, for the loss of three (3) parking spaces on the property.

The CEO has reviewed the Summary Appraisal Report and appraisal data provided by Caltrans, and has determined that the amount of compensation offered by Caltrans represents fair market value and fair rental rate for the Fee and Easement, respectively.

In order to eliminate impacts on DPSS's services in conjunction with the performance of the work on the Project, Caltrans has agreed to work only on weekends, and to restore, and/or replace any and all County improvements affected by the acquisition of the Fee and Easement and Caltrans' Project, and has agreed to perform specific improvements on the affected parcels, including restoring the asphalt paving and concrete curbs, relocating a curbed island delineating the driveway isle on the

County's parking lot, removing/replacing trees, grass mounds, landscaping, and the drainage and irrigation systems.

Caltrans agrees to indemnify and hold harmless the County for any liability to which the County may be subjected as a result of the grant of the property rights.

The County Counsel concurs with the CEO that the proposed settlement is appropriate and reasonable.

ENVIRONMENTAL DOCUMENTATION

The settlement of this eminent domain action does not meet the definition of a project as defined in California Environmental Quality Act ("CEQA") section 21065 because it solely pertains to the amount of just compensation Caltrans will pay to the County for the compelled acquisition of the County's property interests, and as such, there is no discretionary act by the County that will cause a direct physical change or a reasonably foreseeable indirect physical change to the environment.

CONTRACTING PROCESS

N.A.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact to the County's services as a result of the proposed settlement.

CONCLUSION

The proposed settlement is reasonable to both parties and is in the best interest of the County. It is requested that the Executive Officer of the Board of Supervisors return one conformed copy of this letter to the Office of the County Counsel and two copies to the Chief Executive Office, Real Estate Division.

The Honorable Board of Supervisors

4/30/2013

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Respectfully submitted,

A handwritten signature in blue ink, reading "John F. Krattli". The signature is written in a cursive style with a large initial "J".

JOHN F. KRATTLI

County Counsel

JFK:TFH:lm

Enclosures

c: William T Fujioka
Chief Executive Officer

Sachi A. Hamai, Executive Officer
Board of Supervisors

EXHIBIT A

LEGAL DESCRIPTIONS THE PREMISES

California Department of Transportation

Right of Way
Resolution of Necessity
Legal Descriptions

Parcels 80050-1, 80050-2
And
Parcels 80051-1, 80051-2

RESOLUTION OF NECESSITY DESCRIPTION

Parcel 80050-1

For freeway purposes, that portion of Lot 15 in Block "A" of Tract Map No. 10842, in the City of Norwalk, County of Los Angeles, State of California, as shown on map recorded in Book 193, pages 24 and 25, of Maps, in the Office of the Registrar-Recorder/County Clerk of said county, lying Southeasterly of the following described line:

LINE "A":

COMMENCING at the Northeasterly corner of Lot 14 in Block "A" of said Tract Map No. 10842; thence along the Easterly line of said Lot 14; said Easterly line being the Westerly boundary of the Westerly 20.00 feet of Norwalk Boulevard, 80.00 feet wide, as shown on said Tract Map No. 10842; Thence S 00°19'18" E to the POINT OF BEGINNING, being the Northerly terminus of that certain tangent curve having a radius of 950.00 feet; thence Southwesterly along said curve, through a central angle of 11°34'52", an arc distance of 192.02 feet to the intersection with a non-tangent curve concave Northwesterly, and having a radius of 565.00 feet; thence leaving said Westerly boundary, Southwesterly along last said non-tangent curve, from a radial of S 74°10'26" E, through a central angle of 17°12'37", an arc distance of 169.71 feet; thence S 33°02'11" W, 71.95 feet to the beginning of a tangent curve concave Northerly, and having a radius of 42.00 feet; thence Westerly along said curve through a central angle of 89°56'22", an arc distance of 65.93 feet; thence non-tangent N 57°39'25" W, 171.09 feet to the beginning of a non-tangent curve, concave Southwesterly, and having a radius of 584.00 feet; thence Northwesterly along said non-tangent curve from a radial of N 32°51'29" E, through a central angle of 15°26'25", an arc distance of 157.38 feet to the beginning of a non-tangent curve that is concave Northeasterly, and having a radius of 1,030.00 feet; thence Northwesterly along said non-tangent curve from a radial of S 15°14'17" W, through a central angle of 05°31'55", an arc distance of 99.45 feet to a non-tangent curve concave Northeasterly, and having a radius of 19.00 feet; thence Northwesterly and Northerly along last said non-tangent

curve, from a radial of S 15°14'23" W through a central angle of 79°01'43", an arc distance of 26.21 feet to the END OF HEREIN DESCRIBED LINE.

Parcel 80050-2

For freeway purposes, a temporary construction easement, over that portion of land described as Lot 15 of Block "A" of Tract No. 10842, in the City of Norwalk, County of Los Angeles, State of California, as per map recorded in Book 193, pages 24 and 25, of Maps, in the Office of the Registrar-Recorder/County Clerk of said county, described as follows:

A 15.00 foot wide strip of land lying within said Lot 15, the Easterly line of said strip being coincident with Line "A" as described above in Parcel 80050-1.

Said strip shall be bounded on the North by the Northerly line of said Lot 15 and on the South by the Southerly line of said Lot 15.

The Westerly line of said strip shall be prolonged, shortened or continued so as to terminate at its intersections and at the North and South boundaries.

The above-described parcel of land is to be used for temporary construction purposes and incidents thereto in connection with the construction of a Route 05 freeway project designated 07-LA-05-PM 4.5 on maps in the office of the Department of Transportation, State of California at Los Angeles, California and the rights to be acquired therein shall cease and terminate not later than December 1, 2016.

All the bearings and distances in the herein above described lines are based on the California Coordinate System NAD 1983, Zone 5. Divide grid distance by a combination factor of 1.000028133 to obtain ground distance.

RESOLUTION OF NECESSITY DESCRIPTION

Parcel 80051-1

For freeway purposes, that portion of Lot 16 in Block "A" of Tract Map No.10842, in the City of Norwalk, County of Los Angeles, State of California, as shown on map recorded in Book 193, pages 24 and 25, of Maps, in the Office of the Registrar-Recorder/County Clerk of said county, lying Southeasterly of the following described line:

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Said strip shall be bounded on the North by the Northerly line of said Lot 16 and on the South by the Southerly line of said Lot 16.

The Westerly line of said strip shall be prolonged, shortened or continued so as to terminate at its intersections and at the North and South boundaries.

The above-described parcel of land is to be used for temporary construction purposes and incidents thereto in connection with the construction of a Route 05 freeway project designated 07-LA-05-PM 4.5 on maps in the office of the Department of Transportation, State of California at Los Angeles, California and the rights to be acquired therein shall cease and terminate not later than December 1, 2016.

All the bearings and distances in the herein above described lines are based on the California Coordinate System NAD 1983, Zone 5. Divide grid distance by a combination factor of 1.000028133 to obtain ground distance.

EXHIBIT B

PROPERTY MAPS

**TO ACCOMPANY
LEGAL DESCRIPTIONS**

California Department of Transportation

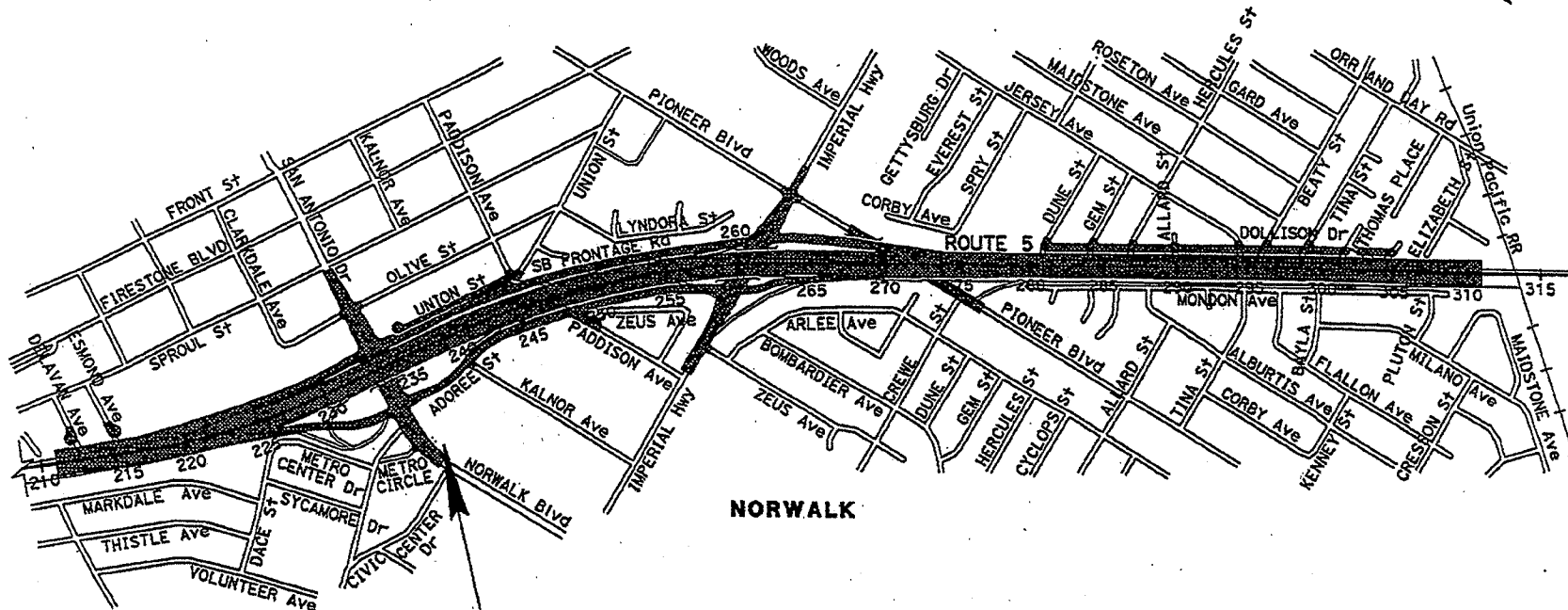
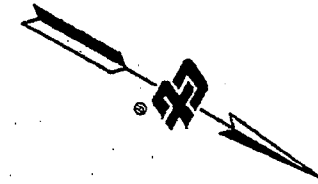
**Right of Way
Resolution of Necessity
Property Maps**

**Parcels 80050-1, 80050-2
And
Parcels 80051-1, 80051-2**



CITY OF NORWALK COUNTY OF LOS ANGELES

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SUBJECT PARCEL
PARCEL 80050

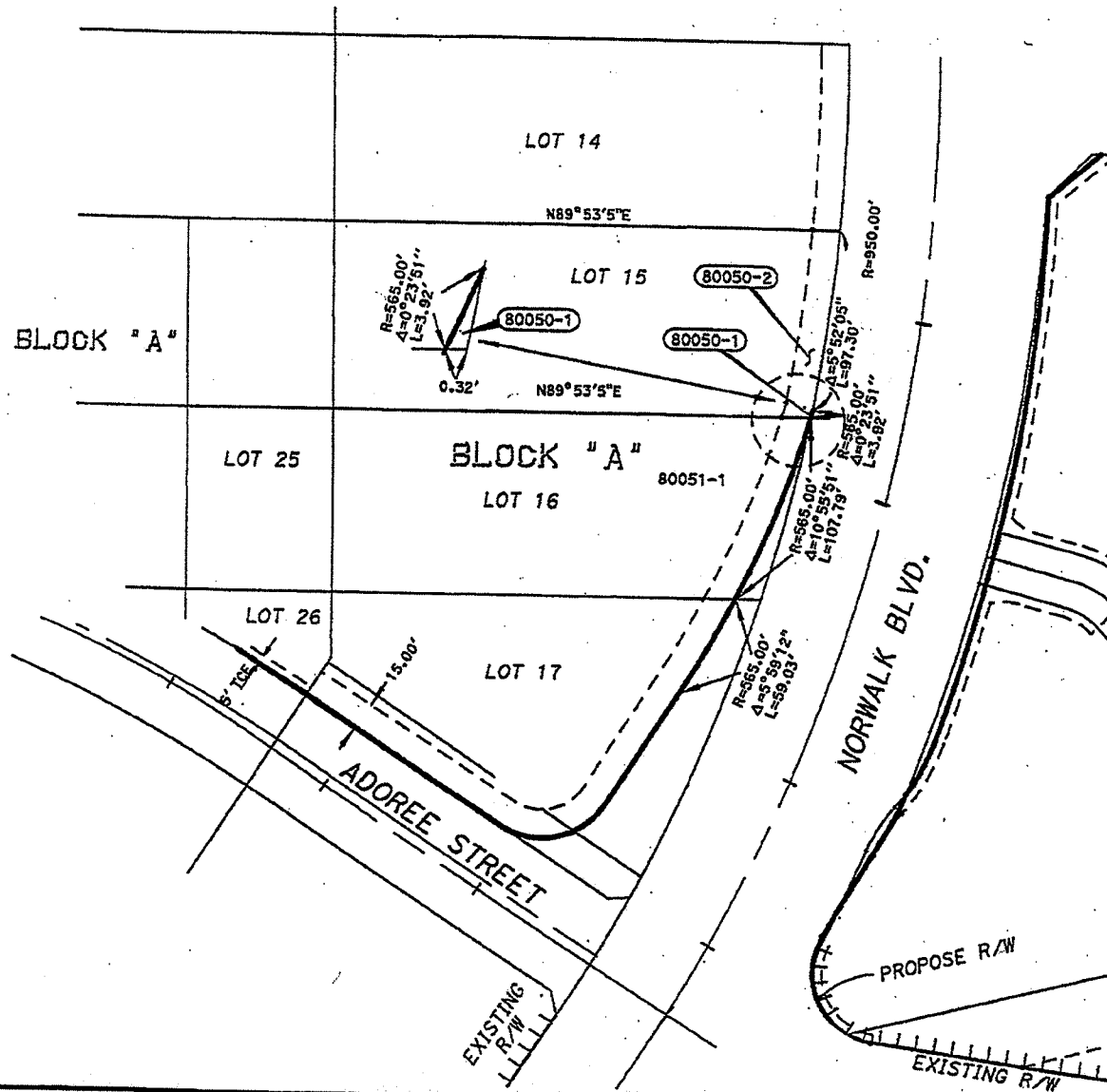
STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
**RIGHT OF WAY
RESOLUTION OF NECESSITY**
EXHIBIT A
NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
07	LA	5	4.5	1	1

CITY OF NORWALK COUNTY OF LOS ANGELES

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TRACT MAP NO. 10842
MB 193/24-25



STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT B

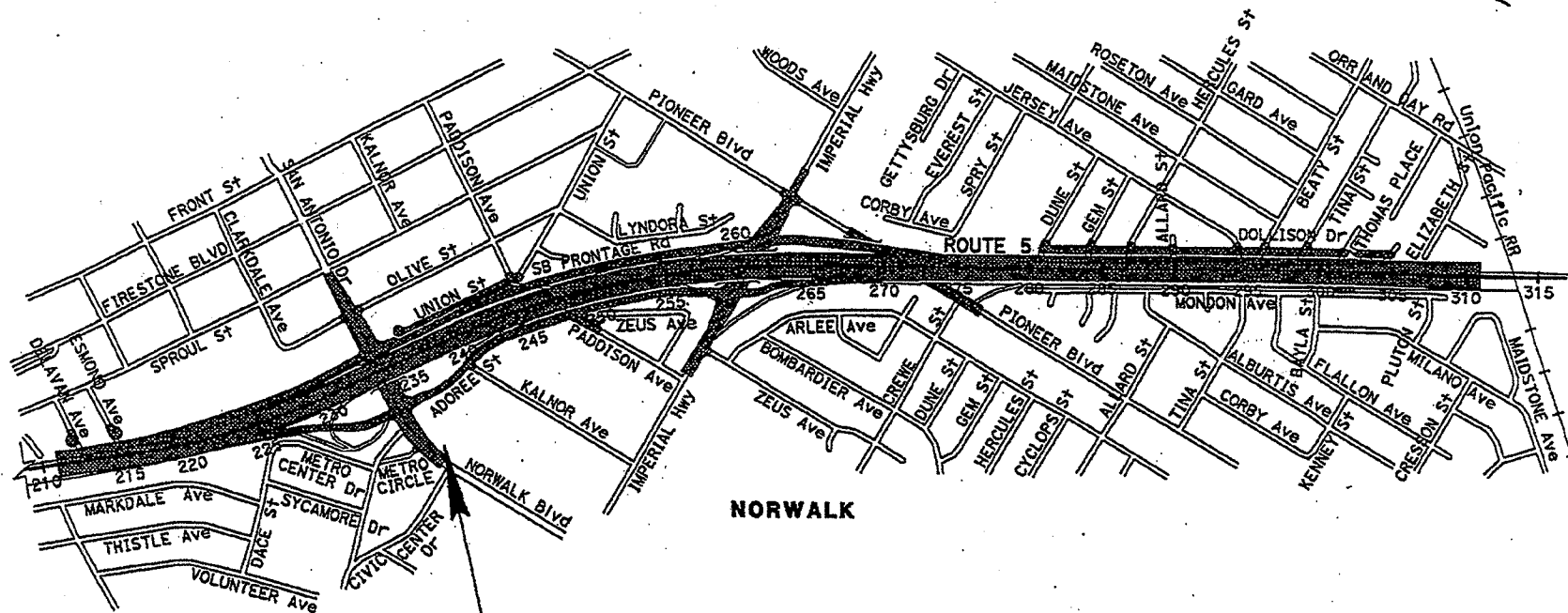
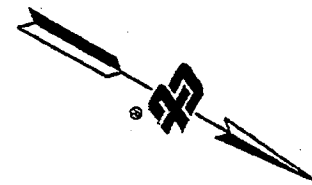
NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
7	LA	5	4.5	1	1



CITY OF NORWALK COUNTY OF LOS ANGELES

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**SUBJECT PARCEL
PARCEL 80051**

STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION					
RIGHT OF WAY RESOLUTION OF NECESSITY					
EXHIBIT A					
NOT TO SCALE					
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
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